Headquarters U.S. Air Force

Integrity - Service - Excellence

Affirmative Procurement

Karen Kivela, HQ AFCEE

January 2002

U.S. AIR FORCE

What is Affirmative Procurement?

- Affirmative procurement (AP) is a program to increase purchases of environmentally friendly products by Federal agencies

The primary focus is on recycled-content products...

We are also "encouraged" to buy biobased products *(made from plant materials)* and other types of environmentally preferable products

What makes a product environmentally friendly?

Less toxic

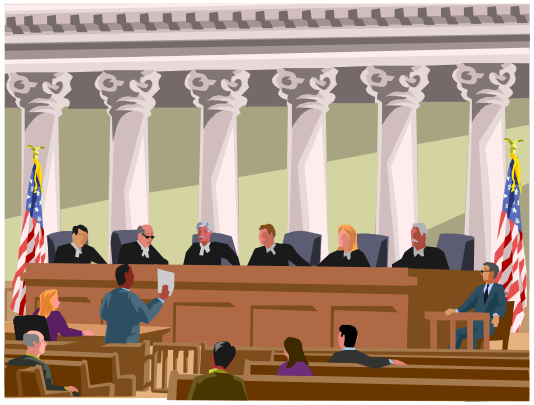
Conserves energy or water

Avoids ozone depletion or global warming

Made with recycled materials

U.S. AIR FORCE

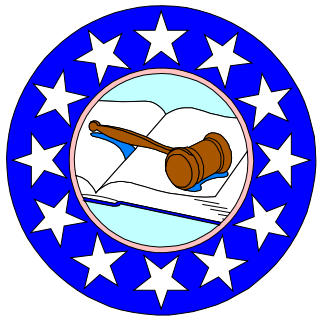
Why have an AP program?



- The AP program is a legal requirement from the Resource Conservation Recovery Act (RCRA)
- Installations can get AP enforcement actions from EPA or State hazardous waste inspectors
  - EPA's 12 May 99 guidance encourages RCRA inspectors to check for AP compliance during multimedia inspections

What can AP inspectors do?

- EPA compliance guidance to inspectors focuses on two things
  - A questionnaire about the base's AP program
  - Inspections at vehicle maintenance shops
- Notices of Violation can be issued
  - These NOVs must be reported to HQ as "open enforcement actions," but no penalties can be assessed by EPA for an AP violation
  - If you get an AP NOV, accept it without committing to take any actions, and consult Legal right away



More Reasons to Have an AP Program

U.S. AIR FORCE

- EO 13101 requires recycling and AP
- 40 CFR 247 codifies it
- The FAR requires it
- It's Air Force policy
  - Memo signed by ILE and SAF/AQC, 31 May 00
  - Engineering Technical Letter (ETL) 00-1, "EPA Guideline Items in Construction and Other Civil Engineering Specifications"
- It's good for recycling and the environment

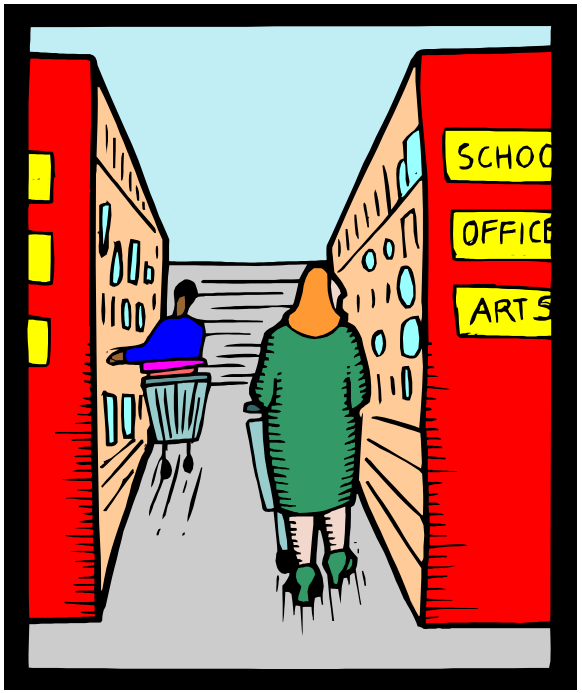
How does AP help the environment?

- Recycled products use less energy for production
- Some recycled content products are less toxic or more durable
- It "closes the recycling loop" by creating a market for the things we recycle
- It helps us meet our solid waste diversion goals

U.S. AIR FORCE

What does AP apply to?

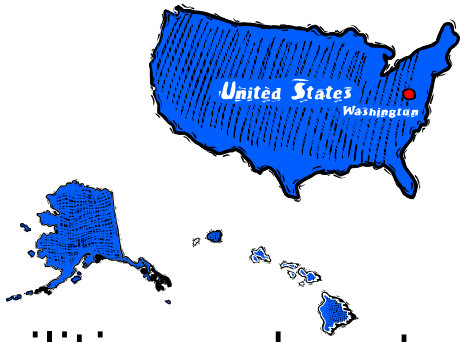
- All CONUS purchases made Federal agencies -
  - local purchases
  - base supply purchases
  - products bought from GSA, DLA etc.
  - materials included in construction or service contracts
- Of any dollar value -
  - There is no cost threshold for AP
- No matter how they are paid for
  - On a purchase order or a contract
  - With a government credit card



U.S. AIR FORCE

More on AP Applicability

- Overseas Installations
  - Alaska, Hawaii and U.S. territories are included and must have AP programs
  - AP requirements **don't apply** to facilities and posts in foreign countries, except for purchases made in the U.S. for shipment overseas



- Non-Appropriated Funds Activities
  - **Must participate** in the installation AP program
  - 40 CFR 247 says that AP requirements apply to Federal agencies whether or not they are using appropriated funds for procurement

U.S. AIR FORCE

What are the required elements of an AP program?

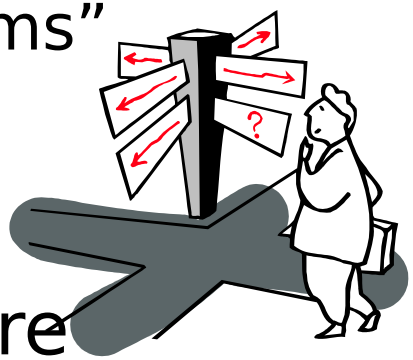
According to RCRA, every AP program must include:

- **Preference Program**
  - Policy and AP implementation plans
- **Promotion Program**
  - Training and outreach efforts
- **Vendor Estimates, Certification and Verification**
  - Vendors provide information on the recycled content in a product; government personnel verify it
- **Annual Monitoring and Review**
  - Local assessment of program health
  - Agency-wide reporting to Congress

U.S. AIR FORCE

What are the requirements for government purchasers?

- Check to see which products you buy are covered under the AP program
  - They are known as “guideline items”
  - Just about everyone uses one or more of them



- Know what EPA’s requirements are for the guideline items that you buy
- Buy products meeting EPA’s requirements unless an exemption applies

What are the AP Exemptions?

Exemptions to AP requirements can be claimed if a recycled-content product:

- Costs more than a comparable product made of virgin materials
- Does not meet reasonable technical requirements
- Is not competitively available within a reasonable period of time

U.S. AIR FORCE

How are exemptions claimed?

- Written determinations are required by the FAR
  - For all exempt purchases over $2,500 (or $2,000 for construction items)
  - Explain the reason for the exemption: price, technical requirements, availabilit
  - The format can be chosen by MAJCOMs or bases

- It's not just "more paperwork"… it's useful
  - It proves to inspectors and auditors that you considered AP in your purchasing process
  - The exemptions can be used by the AP team to identify areas for program improvement

Who does the paperwork?

U.S. AIR FORCE

- The purchaser or project manager fills out the exemption determination
  - There is no longer a requirement for a Commander's signature on the form
  - The completed form goes in the contract file or the purchaser's records

U.S. AIR FORCE

What Products are Included in the AP Program ?

- There are over 50 products listed in 8 categories
  - For the current list, go to EPA's web site: **www.epa.gov/cpg/products.htm**
  - EPA Fact sheets are also available for downloading
- EPA adds products to the list every 2 years
  - Products that EPA is proposing to add to the CPG are shown on their web site along with the current list of guideline items

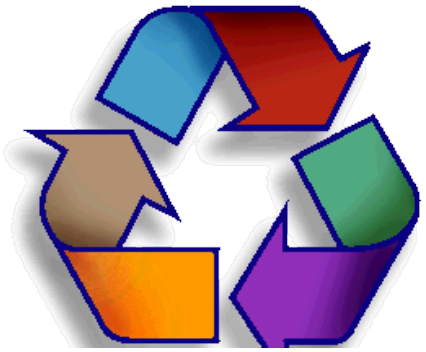
EPA United States Environmental Protection Agency

Office of Solid Waste

The EPA CPG Categories

U.S. AIR FORCE

- The products on EPA's CPG list are sorted into eight categories:
  - Construction Products
  - Vehicular Products
  - Paper and Paper Products
  - Transportation Products
  - Park and Recreation Products
  - Landscaping Products
  - Non-Paper Office Products
  - Miscellaneous Products



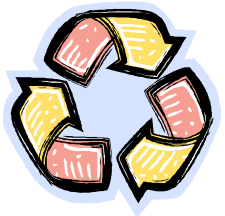
U.S. AIR FORCE

Where are CPG items used?

- Admin Facilities: printing and writing paper, folders, envelopes, binders, clipboards, toner cartridges, desk accessories, trash cans
- Housing: playgrounds, outdoor furniture
- Shops: engine coolants, engine oil, retread tires, traffic cones, barricades, parking stops, sorbents, pallets
- Construction: insulation, carpet, latex paint, fiberboard, restroom partitions, concrete, mulch, plastic safety fencing
- Custodial Contracts: trash bags, sanitary tissue products
- Grounds Maintenance: compost, mulch, garden hoses, garden edging, landscaping timbers
- Reproduction Contracts: paper & toner cartridges

How are CPG requirements expressed?

- Each product on the CPG list has specific recycled-content requirements associated with it
  - For some products like building insulation and copier paper, the requirement is for the product to contain a certain percentage of recycled material
  - For other products like antifreeze, the requirement is to capture and recycle it, and buy recycled antifreeze when restocking

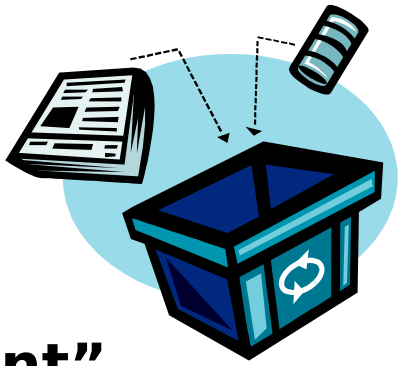


45% recycled content
(10% post-consumer material)

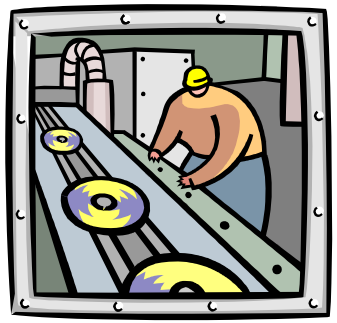
- EPA uses the term “recovered material”
  - For AP, “recovered material” means the same thing as “recycled material”

How is "Recycled Content" defined?

- To understand EPA's requirements, you need to understand some definitions first:
  - **"Postconsumer content"** is the amount of material in the product that was used by a consumer and then recycled



  - **"Total recovered material content"** is the total amount of material in the product that was recycled, or diverted from being disposed as waste - regardless of its source



U.S. AIR FORCE

Examples of EPA Requirements for CPG Products

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Rock Wool	Slag	--	75
Fiberglass	Glass Cullet	--	20-25
Cellulose Loose-Fill and Spray-On	Postconsumer Paper	75	75
Perlite Composite Board	Postconsumer Paper	23	23
Plastic Rigid Foam, Polyisocyanurate/ Polyurethane:			
Rigid Foam	--	--	9
Foam-in-Place	--	--	5
Glass Fiber Reinforced	--	--	6
Phenolic Rigid Foam	--	--	5
Plastic, Non-Woven Batt	Recovered and/or Postconsumer Plastics	--	100

U.S. AIR FORCE

Examples of EPA Requirements for CPG Products

When it doesn't make sense to require a set percentage of recycled material in a product (like antifreeze), EPA requires an action instead:

EPA recommends that procuring agencies whose vehicles are serviced by a motor p
vehicle maintenance facility establish a program for engine coolant reclamation an
that consists of either reclaiming the spent engine coolants onsite for use in the ag
vehicles or establishing a service contract for reclamation of the agencies' spent en
for use in the agencies' vehicles.

EPA also recommends that procuring agencies request reclaimed engine coolant w
their vehicles serviced at commercial service centers. Additionally, EPA recommen
agencies purchase reclaimed engine coolant when making direct purchases of this
when necessary to make up for losses due to leakage or spillage.

What about Biobased Products?

- EO 13101 moved the AP program beyond recycled-content products into other types of environmentally preferable products
  - Purchase of biobased products is encouraged but not legally required
- USDA has the lead for promoting biobased products - not EPA
  - EO 13101 tasked USDA to create a biobased products list, but this process isn't complete yet
  - Although we will end up with two product lists, both will be managed at base level under a single AP program

Examples of Biobased Products

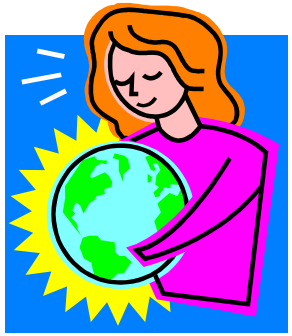
- Absorbents/Adsorbents
- Adhesives
- Alternative Fuels
- Biolastics/Polymers/Films
- Construction Materials
- Inks
- Landscaping Materials
- Lubricants and Functional Fluids
- Paints and Coatings
- Personal Consumer Items
- Solvents and Cleaners
- Tree-free Paper and Packaging

Where could Biobased Products be Used?

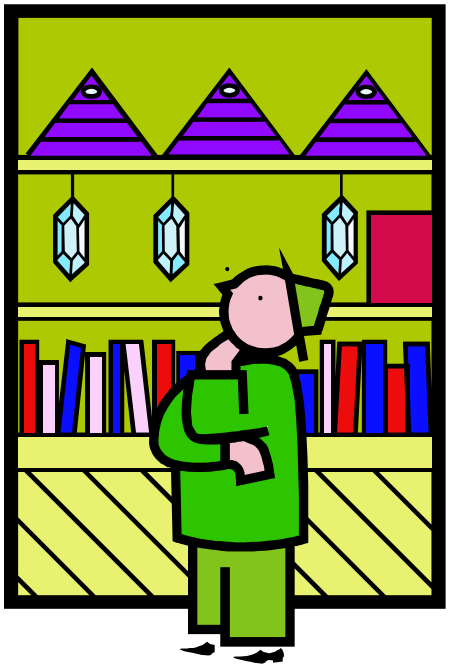
- Construction Contracts
  - Building panels, composite countertops, flooring, concrete form release agents
- Service Contracts
  - Custodial: cleaning products
  - Grounds maintenance: erosion mats, compost
- Shops
  - Transportation: lubricants, windshield washer fluid, antifreeze, absorbents
  - Metal working: cutting fluids, absorbents

Beyond Recycled and Biobased Products

- EO 13101 encourages the use of all types of environmentally preferable products
  - Energy efficient, water conserving, recyclable, non-toxic, low in VOC emissions
  - EPA Environmentally Preferable Purchasing (EPP) program offers many tools on the Web
  - Product selection should consider performance, cost, and the environment
  - Use the determination form if choosing a non-recycled product that's on EPA's list



What tools can I use for AP?



- MAJCOM guidance and AP plans
- AFCEE web site
  - www.afcee.brooks.af.mil/eq/ap/ap.htm
- EPA web sites for the CPG and the EPP Program
  - www.epa.gov/cpg
  - www.epa.gov/opptintr/epp
- USDA Biobased Products web site *(under development)*
  - www.usda-biobasedproducts.net/public
- DENIX “Buy-Green” listserver

U.S. AIR FORCE

AP Needs a Team Approach

- 31 May 00 policy memo requires the EPC or ELC to create an AP team
  - Team develops an AP plan following MAJCOM guidance
  - Environmental and Contracting work together to provide AP training
  - CE project managers include AP requirements in plans and specifications
  - Contracting inserts clauses and reports on AP progress using DD Form 350

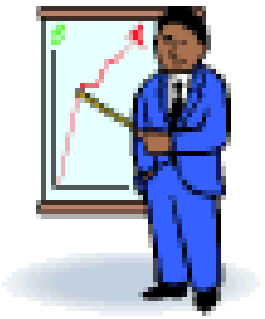
"Six Months to an AP Program"
(originally developed by HQ AFRC) is a tool for AP teams that are just getting started.

It is available on the AFCEE AP web site

U.S. AIR FORCE

Metrics and Reporting

- The AP Team self monitors the program
  - Do an annual check to make sure the AP plan is up-to-date and required actions are being taken
- The <u>proposed</u> DoD metrics for APP include:
  - Metric I: percentage of contracts that include FAR clauses for use of recycled materials (use Contracting's DD Form 350)
  - Metric II: percentage of contracts that comply fully with CPG requirements and don't need an exemption (use DD 350)
  - Metric III: percentage of purchase card holders, specification writers, and contracting personnel trained on AP



U.S. AIR FORCE

For More Information

- Base AP Team
- DENIX “Buy-Green” List Server
  - To subscribe, send a blank e-mail message to **join-buy-green@list.denix.osd.mil**
- MAJCOM AP Team or Solid Waste Manager
- AFCEE Environmental Quality Directorate

  Karen Kivela, DSN 240-4191

  karen.kivela@brooks.af.mil